

AMENDED IN SENATE APRIL 12, 2012

**SENATE BILL**

**No. 1159**

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**Introduced by Senator Calderon**

February 22, 2012

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An act to add Chapter 5.1 (commencing with Section 42250) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Calderon. Plastic bag recycling: labeling.

**Existing**

(1) Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. Existing law prohibits a city, county, or other local public agency from taking specified regulatory actions with regard to the recycling of plastic carryout bags. These requirements and prohibitions are repealed on January 1, 2013.

This bill would enact the Plastic Bag Reduction and Recycling Act of 2012 and ~~make a statement of Legislative intent in this regard~~ would prohibit the operator of a supermarket, as defined, on and after July 1, 2013, from distributing a plastic carryout bag to a customer unless the plastic carryout bag displays the phrase "Please Recycle This Bag," in accordance with specified requirements. The bill would provide that a violation of this requirement by the operator of a supermarket is an infraction, thereby imposing a state-mandated local program by creating a new crime. The bill would authorize the city attorney or district attorney to bring an action against the operator of the supermarket convicted of violating this requirement for the recovery of the costs of the enforcement action.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 5.1 (commencing with Section 42250)  
2 is added to Part 3 of Division 30 of the Public Resources Code, to  
3 read:

4  
5 CHAPTER 5.1. PLASTIC BAG REDUCTION AND RECYCLING ACT  
6

7 42250. This chapter shall be known, and may be cited, as the  
8 Plastic Bag Reduction and Recycling Act of 2012.

9 42251. The Legislature finds and declares that regulation of  
10 plastic bag use, including specifying the recycled content of those  
11 bags and providing recycling opportunities, requires a statewide  
12 and unified approach.

13 42252. *For purposes of this chapter, the following definitions*  
14 *shall apply:*

15 (a) “Manufacturer” means the producer of a plastic carryout  
16 bag sold to a supermarket.

17 (b) “Operator” means a person in control of, or having daily  
18 responsibility for, the daily operation of a supermarket, which may  
19 include, but is not limited to, the owner of the supermarket.

20 (c) “Plastic carryout bag” means a plastic carryout bag  
21 provided by a supermarket to a customer at the point of sale. A  
22 plastic carryout bag does not include a reusable bag or a bag that  
23 is labeled compostable, biodegradable, or degradable in  
24 accordance with Chapter 5.7 (commencing with Section 42355).

25 (d) “Reusable bag” means a durable plastic bag with handles  
26 that is at least 2.25 mils thick and is specifically designed and  
27 manufactured for multiple reuse.

28 (e) “Supermarket” means a retail establishment that provides  
29 plastic carryout bags to its customers as a result of the sale of a

1 *product and meets the definition of a “supermarket” as found in*  
2 *Section 14526.5.*

3 *42253. (a) Except as provided in subdivision (b), on and after*  
4 *July 1, 2013, the operator of a supermarket shall not distribute a*  
5 *plastic carryout bag to a customer unless the plastic carryout bag*  
6 *displays the phrase “Please Recycle This Bag” on both the front*  
7 *and back panel of the plastic carryout bag, which phrase meets*  
8 *all of the following requirements:*

9 *(1) The phrase shall be at least one inch in height and 75 percent*  
10 *of the width of each of the front and back panels of the bag.*

11 *(2) The phrase shall be displayed in a prominent location upon*  
12 *the upper one-half of each panel and not in the gusset or on the*  
13 *base of the bag.*

14 *(3) The phrase shall be printed in a bold font.*

15 *(b) The operator of a supermarket may distribute to a customer*  
16 *a plastic carryout bag that does not comply with subdivision (a)*  
17 *if the operator purchased and received the plastic carryout bag*  
18 *from a manufacturer before July 1, 2013.*

19 *42254. This chapter does not prohibit any other phrase or*  
20 *communication from being printed upon a plastic carryout bag*  
21 *distributed by a supermarket if the phrase or communication does*  
22 *not contradict or interfere with the label required by Section 42253.*

23 *42255. (a) A violation of this chapter by the operator of a*  
24 *supermarket is an infraction.*

25 *(b) In addition to the penalties for an infraction specified in*  
26 *Section 19.8 of the Penal Code, the city attorney or district attorney*  
27 *may bring an action against the operator of a supermarket*  
28 *convicted of a violation of this chapter to recover the costs of the*  
29 *enforcement action.*

30 *SEC. 2. No reimbursement is required by this act pursuant to*  
31 *Section 6 of Article XIII B of the California Constitution because*  
32 *the only costs that may be incurred by a local agency or school*  
33 *district will be incurred because this act creates a new crime or*  
34 *infraction, eliminates a crime or infraction, or changes the penalty*  
35 *for a crime or infraction, within the meaning of Section 17556 of*  
36 *the Government Code, or changes the definition of a crime within*  
37 *the meaning of Section 6 of Article XIII B of the California*  
38 *Constitution.*